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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/779,495

02/17/2004

George H. Verry

8061

7590

07/11/2006

Paul J. Cook
115 Pine Street
Manchester, MA 01944

EXAMINER

DEVOTI, PAUL D

ART UNIT

PAPER NUMBER

3637

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/779,495	Applicant(s) VERRY, GEORGE H.	
	Examiner Paul Devoti	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the amended claims filed by the applicant on May 9, 2006: No claim text shall be presented for any claim in the claim listing with the status of "cancelled" or "not entered" (See 37 CFR 1.121). Therefore, the text in claim 4 should be removed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 1 recites the limitation "said folded blank section" in line 14. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3637

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-3, and 5-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfeiffer (US 2778560) in view of Zheng (US 5778915).

7. Regarding claims 1 and 2, Pfeiffer discloses a three dimensional construction comprising two sheets of cardboard (column 2, lines 28-35) which act as a substrate layer and a heat insulation layer, forming an insulating layer. The insulating layer has a rectangular portion (2) and a plurality of side sections (3, 4, 5, 6). Each side section is attached to only one side of the rectangular portion (2). Two side sections (5, 6) are positioned in opposing positions. The insulator construction comprises a rod construction having first and second sets of horizontal rods (13b, 13d). The horizontal rods are joined by a set of vertical rods (13a, 13c), and the rods extend through the insulator construction at two points (12). Pfeiffer does not disclose the two opposing side sections have wing sections attached thereto, with securing means in the form of hooks and loops for securing a wing section to an adjacent side section.

8. Zheng, however, discloses a collapsible structure having a side section (72c) with wings (86). The wings (86) use hooks and loops to secure to attach to an adjacent side section (72b). Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention to modify Pfeiffer's construction to include wing sections, with securing means in the form of hooks and loops, as taught by Zheng to provide a secure attachment for side sections of a collapsible structure.

9. Regarding claim 3, Pfeiffer in view of Zheng discloses everything previously mentioned, and the outer surface of the insulating layer is obviously capable of acting as an exposed heat reflective layer.

10. Regarding claim 5, Pfeiffer in view of Zheng discloses everything previously mentioned, including the rods (13) are capable of acting as pivot rods, in which the side sections (3,4,5,6) of the insulator construction are attached to, and move about the rods.

11. Regarding claims 6 and 7, Pfeiffer in view of Zheng discloses everything previously mentioned, including the vertical rods (13a, 13c) are detachable from the first and second sets of horizontal rods (13b, 13d) and the insulator construction is capable of being folded.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Daley (US 4928441) discloses an attic access stairway cover that is pivotally mounted. Vesperman et al. (US 4541208) discloses a pivotally mounted insulating cover. Dickinson (US 5475955) discloses an insulating cover for an attic opening. Cherubini (US 3868155) discloses a foldable enclosure with a frame having horizontal and vertical members, and a covering that fits over the frame. Padgett, Jr. (US 5623795) discloses a draft insulator for a pull down staircase. Williams (US 5481833) discloses a cover for an attic opening with a substrate layer and an insulation

layer. Monat (US 5628151) discloses an attic opening cover, having a central rectangular portion, a plurality of side portions, and wings.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Devoti whose telephone number is 571-272-2733. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 571-272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PD *TD*
07/05/06

LANNA MAI
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

